

REMARKS

The Office action dated October 4, 2007, and the references cited therein have been received and carefully reviewed.

By the above amendments, claims 1 and 9 have been canceled. Furthermore, the amended claims are now directed to a method of producing the waterproofing material, and are believed to be patentable over the prior art.

As a result of the Office Action, claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Flynn et al. (WO 94/05863); claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peggs (WO 97/36060); and claims 1-6 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Heerten et al. (US 5,041,330).

It is Applicants' position that the prior art references, taken alone or in combination with each other, do not disclose or suggest each and every element of Applicants' invention as presently claimed.

There is no mention or suggestion in any of the cited prior art references of a direct connection of the outer carrier layers.

In particular, Flynn et al. discloses waterproofing material having a core layer of semi-hydrated bentonite extruded or rolled out from a homogenous mixture and sandwiched between two carrier layers.

The only reference in Flynn et al. to a possible connection between the carrier layers, however, is by way of a central reinforcing layer or element.

Such arrangement is mentioned on page 13, lines 4 to 8; on page 18 lines 20 to 22; and on page 36, line 8, to page 37 line 1; and in Figure 8 of Flynn et al.

The only specific arrangement referred to on page 36 of Flynn et al. concerns the use of a reinforcement with bristles, or similar, which extend outwardly to contact the outer layers and possibly to be heat sealed to these.

For all of the above reasons, it is submitted that the presently claimed invention is not disclosed or suggested by the cited prior art, and that the rejections under 35 U.S.C. 102(b) and 103(a) should be favorably reconsidered and withdrawn.

Applicants submit that the application is now in condition for allowance, and an early notice to that effect is earnestly solicited.

If any issues remain that can be clarified by telephone, Examiner Khatri is encouraged to contact Applicants' Representative at the number indicated below.

Respectfully submitted,
DENNISON, SCHULTZ & MACDONALD

By:



Malcolm J. MacDonald
Reg. No. 50,215
(703) 837-9600 Ext. 24

Date: January 4, 2008